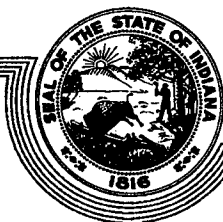


STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

IN THE MATTER OF THE COMPLAINT)
OF NATIONAL STARCH, ALLIANCE, AND)
PINNACLE AGAINST THE BOARD OF)
DIRECTORS FOR UTILITIES OF THE)
DEPARTMENT OF PUBLIC UTILITIES OF)
CITY OF INDIANAPOLIS, AS SUCCESSOR)
TRUSTEE OF A PUBLIC CHARITABLE)
TRUST D/B/A CITIZENS GAS & COKE)
UTILITY, FOR ENFORCEMENT OF)
SETTLEMENT AGREEMENT AND FOR)
DETERMINATION OF JUST AND)
REASONABLE RATES IN CONNECTION)
WITH BILLING DISPUTE)

FILED

SEP 15 2004

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42578

RESPONDENT:)
CITIZENS GAS & COKE UTILITY)

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

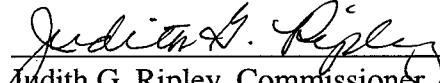
On July 19, 2004, Respondent Citizens Gas filed a Motion to Compel Discovery Responses from Complainants, and a Brief in Support of Motion to Compel. Complainants, Transportation Group filed a Response to the Motion to Compel on August 2, 2004. Respondent Citizens Gas filed a Reply to Complainant's Response to the Motion to Compel on August 9, 2004. The Commission heard oral argument on the Motion to Compel on August 19, 2004.

On August 24, 2004, the presiding officers issued a docket entry finding that if Complainant's counsel intends to offer testimony referencing certain materials to support its position, such materials are appropriately the subject of a data request pursuant to Trial Rule 26(B) and the Motion to Compel should be granted. Complainants provided some of the material requested by Respondent.

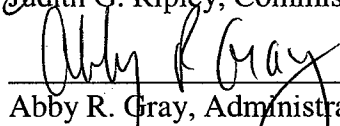
On August 30, 2004, the Complainants filed their Motion for Clarification and Reconsideration of Docket Entry Regarding Discovery and Complainants' Appeal to Full Commission from August 24, 2004 Docket Entry. On September 7, 2004, Respondents filed their Response to Complainants' Motion for Clarification and Reconsideration and Citizens' Response to Complainants' Appeal to Full Commission. On September 10, 2004, Complainants filed their Reply in Support of Motion for Clarification and Reconsideration of Docket Entry Regarding Discovery and Complainants' Reply in Support of Appeal to the Full Commission on Entry Compelling Discovery. On September 13, 2004, Respondents filed their Verified Motion for Continuance of September 20, 2004, Evidentiary Hearing ("Motions").

The evidentiary hearing is currently scheduled for September 20, 2004. Because a final ruling on the pending motions and appeal is not possible prior to that date, the evidentiary hearing should be continued. However, the presiding officers find that the hearing should be converted to further oral argument on the discovery issue. The attorneys should appear at 1:30 p.m. in room E306 and be prepared to argue their respective positions on each discovery request individually. It is the intent of the presiding officers to rule upon each request at the conclusion of the argument and a new hearing date will be scheduled.

IT IS SO ORDERED.



Judith G. Ripley, Commissioner



Abby R. Gray, Administrative Law Judge

Date 9-15-04